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August 1, 1986

HAND DELIVER

Roger Geller, Esq.
Geller & Weinberg
80 Boylston Street
Boston, MA 02116

Eric Blumenson, Esq.
19 Temple Place
Boston, MA 02111

RE: FLYNN v. CHURCH OF SCIENTOLOGY INTERNATIONAL;
DEPOSITION OF GERALD ARMSTRONG

Gentlemen:

Pursuant to Fed.R.Civ.P. 45(d), Gerald Armstrong has the following objections to the subpoena duces tecum served upon him in this action on July 31, 1986:

1. The subpoena served on Mr. Armstrong was not validly signed or sealed by the Clerk of the Court pursuant to Fed.R.Civ.P. 45(c).
2. The subpoena was not accompanied by witness and mileage fees as required by Fed.R.Civ.P. 45(c), and is not enforceable.
3. Mr. Armstrong's amended deposition notice was not properly filed pursuant to Fed.R.Civ.P. 30.
4. The subpoena was not served on Mr. Armstrong within a reasonable amount of time prior to the deposition as required by Fed.R.Civ.P. 30.
5. The plaintiff did not receive reasonable notice of the documents requested to be produced as required by Fed.R.Civ.P. 30(b)(i).
6. The documents sought will not lead to the discovery of admissible evidence.

Roger Geller, Esq.
Eric Blumenson, Esq.

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7. The discovery sought by the production of the documents is unreasonably cumulative or duplicative.

8. The discovery of the documents sought is unduly burdensome.

9. The defendants have enough opportunity to obtain the discovery sought from other sources.

10. Production of the unpublished manuscript would improperly chill Mr. Armstrong's First Amendment rights.

11. Production of the unpublished manuscript would result in a violation on the U.S. copyright laws.

12. Production of the unpublished manuscript would be a violation of Mr. Armstrong's common law copyright.

13. Mr. Armstrong's right to privacy protects the documents.

14. Production of the documents would violate the plaintiff's privacy rights.

15. Production of the documents requested would violate the privacy rights of third parties.

16. A Court Order in Church of Scientology of California v. Armstrong, C420 153 (Cal. Super. Ct.), protects Mr. Armstrong from producing any documents for the Church of Scientology until that organization complies with outstanding discovery orders.

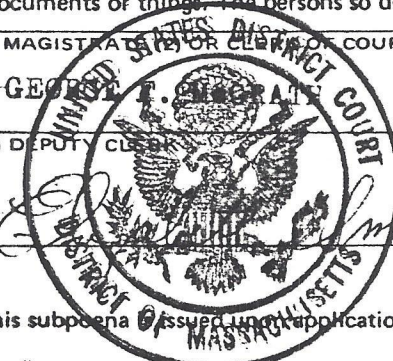
17. The documents requested are highly sensitive and plaintiff and Mr. Armstrong are entitled to have these documents sealed if Mr. Armstrong is required to produce them.

Sincerely,

Michael Tabb
Atty. for Gerald Armstrong

MT:emj

DEPOSITION SUBPOENA

United States District Court		DISTRICT MASSACHUSETTS	
MICHAEL J. FLYNN V. CHURCH OF SCIENTOLOGY INTER., et al.,		DOCKET NO. MBD - 86-109	
		TYPE OF CASE <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> CRIMINAL	
		SUBPOENA FOR <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> DOCUMENT(S) or OBJECT(S)	
TO: Gerald Armstrong 400 Atlantic Avenue Boston, MA 02210			
YOU ARE HEREBY COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above-entitled case.			
PLACE Geller & Weinberg 80 Boylston St. Suite 910 Boston, MA 02116		DATE AND TIME Aug 1, 1986 10:00 AM	
YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):¹			
<p>Any documents entitled as, identified as or which the witness has referred to as "On the Trail of Eugene Ingram"; also, any documents, books and/or manuscripts written by the witness pertaining to the Church of Scientology, L. Ron Hubbard, Eugene M. Ingram, or Mary Sue Hubbard, other than documents prepared for the witness's attorneys and/or at the direction of his attorneys; also any and all record books, ledgers and/or financial records which the witness maintains, works with or keeps on behalf of the firms of Flynn & Joyce, Flynn, Joye & Sheridan, and/or the Law Offices of Michael J. Flynn.</p> <p><input type="checkbox"/> Please see additional information on reverse</p>			
Any subpoenaed organization not a party to this suit is hereby admonished pursuant to Rule 30 (b) (6), Federal Rules of Civil Procedure, to file a designation with the court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The persons so designated shall testify as to matters known or reasonably available to the organization.			
U.S. MAGISTRATE OR CLERK OF COURT  (BY) DEPUTY CLERK		DATE <div style="font-size: 1.5em; font-family: cursive;">7-31-86</div>	
This subpoena is issued upon application of the: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> U.S. Attorney		ATTORNEY'S NAME AND ADDRESS Roger Geller 80 Boylston St., Ste 910 BOSTON, MA 482-5200	

(1) If not applicable, enter "none."

(2) A subpoena shall be issued by a magistrate in a proceeding before him, but need not be under the seal of the court. (Rule 17(a), Federal Rules of Criminal Procedure.)

RETURN OF SERVICE ⁽³⁾			
RECEIVED BY SERVER	DATE	PLACE	
SERVED	DATE	PLACE	
SERVED ON (NAME)		FEES TENDERED	
		<input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$ _____	
SERVED BY		TITLE	
STATEMENT OF SERVICE FEES			
TRAVEL	SERVICES		TOTAL
DECLARATION OF SERVER ⁽⁴⁾			
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center; width: 30%;"> <i>Date</i> </div> <div style="text-align: center; width: 30%;"> <i>Signature of Server</i> </div> <div style="text-align: center; width: 30%;"> <i>Address of Server</i> </div> </div>			
ADDITIONAL INFORMATION			

(3) As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

(4) "Fees and mileage need not be tendered to the deponent upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)".